

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 1:04CR144-P-D

ROBERT WILLIE LEE, JR.,

DEFENDANT.

SECOND ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant Robert Willie Lee, Jr.'s Motion for Continuance [25-1]. Upon consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for August 8, 2005. Defense counsel avers that he has recently received an abundance of discovery material and he needs additional time in which to review and investigate said material. The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from June 27, 2005 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant Robert Willie Lee, Jr.'s Motion for Continuance [25-1] is hereby
GRANTED;

(2) Trial of this matter is continued until Monday, September 26, 2005 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;

- (3) The delay from August 8, 2005 to September 26, 2005 is excluded as set out above;
- (4) The deadline for filing pretrial motions is September 5, 2005; and
- (5) The deadline for submitting a plea agreement is September 12, 2005.

SO ORDERED, this the 12th day of July, A.D., 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE